

## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US 03/08859

A. CLASSIFICATION OF SUBJECT MATTER  
IPC 7 A61K9/28 A61K9/20

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  
IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of relevant passages	Relevant to claim No.
X	FR 1 603 314 A (ETABLISSEMENTS WANDER, FRANCE) 5 April 1971 (1971-04-05) page 2, line 17-24 page 2, line 32,33 page 3, line 7-9; figures ---	1,5,20, 22,23
X	WO 00 18447 A (IMPAK PHARMACEUTICALS INC) 6 April 2000 (2000-04-06) cited in the application figures; examples ---	1-6, 16-26
X	WO 96 07401 A (LOHMANN THERAPIE SYST LTS ;CREMER KARSTEN (DE)) 14 March 1996 (1996-03-14) page 7, line 5-9 page 8, last paragraph -page 9, paragraph 1; figures 3,4 ---	1-6, 16-26

Further documents are listed in the continuation of box C.

Patent family members are listed in annex.

## \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority, claims or which may establish the publication date of another claim or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

\*T\* later document published after the international filing date or priority date and not in conflict with the application but used to understand the principle or theory underlying the invention

\*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

\*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

\*Z\* document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

7 August 2003

22/08/2003

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patenttaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl.  
Fax: (+31-70) 340-3010

Authorized officer

Friederich, M

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 03/08859

## C(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 94 07470 A (PFIZER ;LO JULIAN BELKNAP (US)) 14 April 1994 (1994-04-14) claims; figures 7-9	7-11

**INTERNATIONAL SEARCH REPORT**International application No.  
PCT/US 03/08859**Box I Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)**

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1.  Claims Nos.: because they relate to subject matter not required to be searched by this Authority, namely:
  
2.  Claims Nos.: because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:  
see FURTHER INFORMATION sheet PCT/ISA/210
  
3.  Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

**Box II Observations where unity of invention is lacking (Continuation of item 2 of first sheet)**

This International Searching Authority found multiple inventions in this international application, as follows:

1.  As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
  
2.  As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
  
3.  As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
  
4.  No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

**Remark on Protest**

- The additional search fees were accompanied by the applicant's protest.  
 No protest accompanied the payment of additional search fees.

FURTHER INFORMATION CONTINUED FROM PCT/USA/ 210

Continuation of Box I.2

Claims 1-23 have been searched partially for the following reasons:

Present independent claim 1 relates to an extremely large number of possible products ("dosage form", "active ingredient"). Support within the meaning of Article 6 PCT and/or disclosure within the meaning of Article 5 PCT is to be found, however, for only a very small proportion of the products claimed ("pharmaceutically active ingredient").

In view of the large number and also the wording of the dependent claims presently on file, which render it difficult, if not impossible, to determine the matter for which protection is sought, the present application fails to comply with the clarity and conciseness requirements of Article 6 PCT (see also Rule 6.1(a) PCT) to such an extent that a meaningful search is impossible.

Consequently, the search has been carried out for those parts of the claims 1-23 which appear to be clear, supported and disclosed, namely those parts relating to the products prepared in the examples. Claims 24-26 have been searched completely.

The applicant's attention is drawn to the fact that claims, or parts of claims, relating to inventions in respect of which no international search report has been established need not be the subject of an international preliminary examination (Rule 66.1(e) PCT). The applicant is advised that the EPO policy when acting as an International Preliminary Examining Authority is normally not to carry out a preliminary examination on matter which has not been searched. This is the case irrespective of whether or not the claims are amended following receipt of the search report or during any Chapter II procedure.

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 03/08859

Patent document cited in search report		Publication date		Patent family member(s)		Publication date
FR 1603314	A	05-04-1971	NONE			
WO 0018447	A	06-04-2000	AU WO	6141199 A 0018447 A2		17-04-2000 06-04-2000
WO 9607401	A	14-03-1996	DE AT CA DE DK WO EP ES GR JP SI US	4431653 A1 186211 T 2199249 A1 59507193 D1 779807 T3 9607401 A1 0779807 A1 2141380 T3 3032524 T3 10505264 T 779807 T1 6264985 B1		07-03-1996 15-11-1999 14-03-1996 09-12-1999 08-05-2000 14-03-1996 25-06-1997 16-03-2000 31-05-2000 26-05-1998 30-04-2000 24-07-2001
WO 9407470	A	14-04-1994	EP FI JP WO	0662824 A1 934275 A 7507564 T 9407470 A1		19-07-1995 31-03-1994 24-08-1995 14-04-1994